

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 1997-094595

11/02/2009

HONORABLE RANDY ELLEXSON

CLERK OF THE COURT

E. Ramirez

Deputy

ATLAS 000186911601  
IN RE THE MATTER OF  
DAWN MARIE GARR

DAWN MARIE GARR  
2639 E JACINTO CIR  
MESA AZ 85204

AND

FRANK PHILP GARR

FRANK PHILP GARR  
102 SHIPLEY CT  
LONGWOOD FL 32779

DOCKET-FAMILY COURT CCC  
FAMILY COURT SERVICES-CCC

MODIFY ORDER OF ASSIGNMENT

Courtroom 506—Central Court Building

2:47 p.m. This is the time set for Evidentiary Hearing on the Petition to Modify Order of Assignment filed May 15, 2009 by Frank Garr and the Petition for Hearing filed June 11, 2009 by Dawn Marie Garr (Simpson). Petitioner/Mother, Dawn Marie Garr (Simpson) is present on her own behalf. Respondent/Father, Frank Philip Garr, is present and participating *telephonically* on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

On the Court's own motion,

**IT IS ORDERED** directing the Docket Department of the Clerk of the Court to change the name on the caption for Petitioner, from Dawn Marie Garr to **Dawn Marie Simpson**, effective immediately.

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Dawn Marie Simpson and Frank Philip Garr are sworn.

**LET THE RECORD REFLECT** that the parties met informally with an officer of the Family Court Conference Center prior to the commencement of today's hearing. The Court has been informed that the parties reached agreement as follows:

- Father continued to pay a \$100 per month payment on arrears after judgment was satisfied resulting in Father paying \$2,992.51 for the time period October 1, 2005 through September 30, 2009.
- October 7, 2005 judgment was entered for child support arrears in the amount of \$2,174.30 and \$1,016.75 for uninsured/unreimbursed dental bills resulting in a total judgment for \$3,191.05; which has been paid in full and satisfied.
- March 27, 2006 judgment for \$1,446.81 "remaining balance of medical expenses" was entered.
- Father's overpayment is \$1,545.70 after the March 27, 2006 judgment for "remaining balance of medical expenses" is paid and satisfied by application of the \$2,992.51 overpayment.

**THE COURT FINDS** that there is a substantial and continuing change in the circumstances warranting modification of the Order of Assignment.

**IT IS ORDERED** modifying the Order of Assignment to remove payment on arrears for \$100.00 per month.

**IT IS FURTHER ORDERED** that the October 7, 2005 judgment for child support arrears in the amount of \$2,174.30 plus \$1,016.75 for uninsured/unreimbursed dental bills resulting in a total judgment for \$3,191.05 has been paid in full and satisfied.

**IT IS FURTHER ORDERED** that the March 27, 2006 judgment for "remaining balance of medical expenses" in the amount of \$1,446.81 is paid in full and satisfied.

Mother testifies that Father currently owes \$6,302.51 in unreimbursed/uninsured medical/dental/vision expenses and requests that Father's remaining overpayment of \$1,545.70 be applied to this outstanding balance.

Mother further testifies she timely provides Father with receipts and invoices of medical/dental/visions incurred by certified mail, return receipt requested.

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Father testifies further and disagrees and disputes the billing records and invoices Mother alleges she has provided.

Discussion is held.

**LET THE RECORD REFLECT** that Mother has not filed a Petition to Enforce for the Uninsured/Unreimbursed Medical/Dental/Vision Expenses she has further testified to this date.

**LET THE RECORD FURTHER REFLECT** that Father's balance of \$1,545.70 remains in suspense pending the parties further petitioning the Court for remedy.

**LET THE RECORD FURTHER REFLECT** an Order of Assignment shall initiate electronically by the above-named deputy clerk.

**IT IS ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/s/ Randy Laurence Ellexson

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The Honorable Randy Laurence Ellexson  
Judicial Officer of the Superior Court

2:54 p.m. Hearing concludes.

**PLEASE NOTE:** If either party should require the advice of counsel and cannot afford to do so, the following services may be able to provide legal assistance:

**Self-Service Center**

101 West Jefferson, East Court Building, Phoenix, Arizona, 85003

Automated telephone number: (602) 506-SELF

Website: [ecourt.Maricopa.gov](http://ecourt.Maricopa.gov)

- The center provides a variety of forms and instructions.

**Lawyer Referral Services**

303 East Palm Lane, Phoenix, Arizona, 85004

Telephone number: (602) 257-4434

- This organization will refer you to a lawyer that meets your needs in your part of town. There is a \$35 charge for the first 30-minute conference.

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- Any fees thereafter are set by the particular attorney.

**Community Legal Service**

305 South 2<sup>nd</sup> Avenue, P.O. Box 21538, Phoenix, Arizona, 85036-1538

Telephone number: (602) 258-3434

- This organization is composed of the Legal Aid Society and volunteer lawyers. Their availability of service depends on your income level.

**Family Law Assistance Program**

Central Court Building 6<sup>th</sup> Floor,

201 West Jefferson Street

Phoenix, Arizona 85003

Telephone number: (602) 506-7948

- Volunteer attorneys provide brief counsel on Family Court matters.
  - There is a \$35 charge for a 30-minute conference.

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.